

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. PATH figured the petitioner's Food Stamp benefits by adding together the \$403 RUFA income and the \$604.04 SSI

income and subjecting it to a \$134 standard deduction for an adjusted income of \$873.04. PATH did not give the petitioner an excess shelter deduction because her total housing cost under the Section 8 program is \$409 per month, which is less than fifty percent of income (\$436.52).

4. The petitioner's SSI income went down in November of 2001 and the household's eligibility was recalculated. The petitioner was notified on November 13, 2002 that her Food Stamp benefits would be raised to \$75.00 per month based on gross income of \$807.67 per month. That income was subjected to both a \$134 standard deduction and an excess shelter allowance of \$73.16 representing the amount over fifty percent of her adjusted income devoted to shelter. She was also advised that she was subject to a \$4.00 recoupment per month based on a prior overpayment.

5. The petitioner disputes PATH's decisions for each month because they do not take into consideration payments she makes on a car. She recently put \$400 down on an automobile and must make monthly payments of \$200. The petitioner says she cannot make these payments and buy food as well. She has continued to receive the higher benefit pending her appeal.

ORDER

The decision of PATH is affirmed.

REASONS

Under the Food Stamp Regulations, the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. F.S.M. § 273.9 et. seq. All households with two persons are entitled to a standard deduction of \$134 (F.S.M. § 372.9d(1) and Procedures Manual P-2590A) and to an excess shelter deduction in the amount that their shelter costs exceed fifty percent of their income (F.S.M. § 273.9d(5)).

As of November 1, 2002, the petitioner was receiving \$1,007.04 in gross monthly income. PATH correctly deducted \$134 from her income for a net of \$873.04. PATH did not give the petitioner an excess shelter deduction because her total shelter cost of \$409 per month is less than \$436.52 which is fifty percent of her net income. That action was also correct. There are no deductions under the regulations for car expenses. The petitioner's countable Food Stamp income was correctly calculated at \$873.04 per month. A household of two persons with that income qualifies for only \$10 per month, the Food Stamp minimum payment. (See Procedures Manual § P-2590 D9.)

The petitioner's income changed in November and her gross income was only \$807.67 per month. PATH again correctly deducted \$134 from her income and this time was able to give her a deduction as well for excess shelter costs since her \$409 monthly expense was in excess of \$336.83, fifty percent of her new income. The difference, \$73.16, was deducted for a countable Food Stamp income of \$600.51. That amount entitles a two-person household to \$75 per month in Food Stamp benefits. P-2590 D7.

PATH's original decision granting \$10 on December 1, 2002 was superseded by its second decision granting \$75 December 1, 2002 based on the decrease in income. Inasmuch as PATH's most recent decision appears to be in accord with the new facts and the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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